

App. F. IX-4

1950-51
(CB)

File No. 41-50

Serial Nos. 1.

Previous References.

Later References.

CB 35-50-2

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one

Part B for

April 1950

SUBJECT

Appointment of Sri K. N. Padmasabhai as
Sub-Judge and Additional District Judge
Bangalore

No. 780/CB 41-50-1

D. 18.4.50

To

The Compiler

District Gazette

Bangalore

notifying: —

Serial
No.

Letter No ROC 355/49-50
of 3-4-50 from the Registrar
High Court of Mysore requesting orders
of His Highness the Madrasga to
post Sri K.N. Padmanabhaiah,
Subordinate Judge as third addl.
district Judge. Bangalore

1st Notification is put
up. In the G.O. No 5-6/CB/4049-4
of 1-4-1950, it has been stated
that the third Addl. Jt. and
Sess. Judge will work
during the ^{summer} vacation also. As much
it is for orders whether orders
may be issued and then the
file subd to HH for approval of
action taken in the matter

Cks

7/4/50 2) Art. 233(1) of the Constitution of India
relating to the appointment of district judges reads
as follows:-

3) Appointments of persons to be, and the
posting and promotion of District Judges in any State
shall be made by the Rajapramukh of the State
in consultation with the High Court exercising jurisdiction
in relation to such State.

4) As the posting has to be made
immediately to enable the Court to sit during the
vacation of 1950, which has already begun, it is

Appointment of Sri K. N. Padmanabhaiah, Sub Judge as

38/100 File No. Additional District Judge, Bangalore of 195

General and Revenue
Secretariat

Serial
No.

for consideration whether orders may be issued
in anticipation of His Highness's approval and the
fact reported to His Highness later.

LS 5) In view of the urgency of the
7.4.50. matter orders may issue and
the fact reported to H. H.
Draft note is for approval.
Law Secy) 8/4/50

Chief min)

6) BSB
11/4/50.
amr 11.4.50.
7) K. R.
17/4/50 BSB
18/4/50.

Issued today
8/4/50

Issued No. 780 /CP. 41-50-1 A 18th April '50
To the Compiler Mysore Gazette for publication
of the appointment of Sri K. N. Padmanabhaiah B.A. LL.B.
Subordinate Judge (Can leave) as Addl. Dist. & Sessions
Judge, Blue Br.

No. 781. Copy to Act. Genl. Blue.

No. 782. Copy to the Registrar

H.H. Court of Mysore, (with a copy letter)

8) Draft Submission Note is put up
for approval

Law Secy)

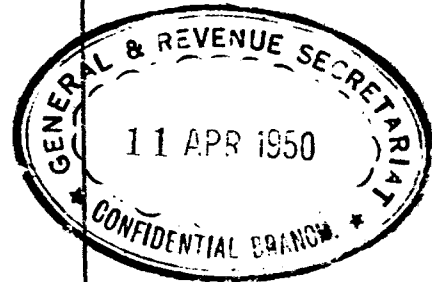
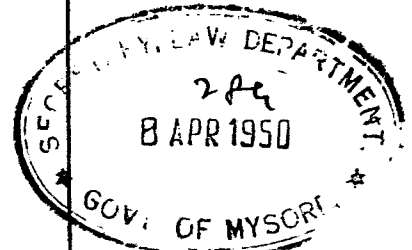
LS
29/4.

LS
20.4.50.

Chief min)

9) BSB
24/4/50.
amr 25/4/50.

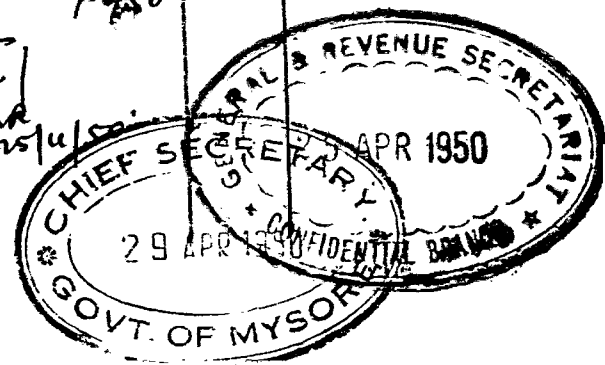
10) K. R.
29/4



Office of the Chief Minister
No. 354
Date of Receipt 11/4

Office of the Chief Minister

No. 839
Date of Receipt 28/4



Serial
No.

Letter No-26/G.A.D. D 25/4/50

From the Asst. Genl., Mysore, Blue,
states, in the circumstances stated here in, that
the tenure of appointment may have to be
treated as Acting etc.

12) The post of Additional Jr and Senior
Judge to which Sri Padmanabhaiah is posted is
purely a temporary one i.e., for a period of three
months. Since this appointment is in a
clean vacancy - against a newly sanctioned
post he will have the office posted there in
may have to be treated as holding an sub-
stantive appointment for such period as that
post lasts. But for the reasons adduced
by the A.G. Sri Padmanabhaiah may have
to be treated as holding the appointment
on an Acting basis, as otherwise his
appointment will amount to supercession
of the ~~senior~~ legitimate claimers of his
senior in that cadre.

1. Submitted for a decision.

13) Temporary tenure is admissible and
is what is recommended by the High Court in
their letter of 1.4.50. This would entitle the
officer appointed against the post to the minimum
pay of the appointment viz. Rs. 800/- while
if he were appointed to act, he would be
entitled to his substantive pay Rs. 600 + Ag. allowance
Rs. 160. The difference in emoluments would

38 1488
c-12

Serial
No.

he Rs. 40/- p.m. and Rs. 120/- in all for three months, the duration of the post held by Sri Padmanabha.

(14) It is not clear why this point has been raised by the Accountant-General as this seems to be a purely administrative matter.

(15) The intention of the High Court in recommending "temporary" tenure as against "Acting" has not been explained.

(16) For orders whether the orders already issued may be confirmed or whether the High Court may be consulted on the point raised by A. G.

L.S. Under Art 72, M.S.R. an officer posted as Dist Judge is entitled to the minimum salary of the appointment. In view of this Sri Padmanabha whether as Ag Dist Judge or as Temporary Dist Judge will get a salary of Rs 800/- p.m. under this Art.

(17) Anyhow the High Court may be consulted on the point raised by the A. G.

Law Secy)

yes.

SumR
6/5/50

12/5/50

SumR
12/5/50

Draft letter is put up for approval.

Issue

SumR
12/5/50

HR
12/5/50

L.S.
12.5.50.

RECEIVED
- 8 MAY 1950

GENERAL & REVENUE SECRETARIAT
12 MAY 1950
CONFIDENTIAL BRANCH

Serial
No.

No. 2087 Len. 15/5/50
70

Re: Repr. H.C. Mysore. Blue.,
refers to favour for. with the opinion of the
H.C. re: the tenure of app't. of Sri K.N.P.

From the Repr. H.C. of Mysore.
Letter No. R.O. 355/4-50 of 12th June 50. States
that the tenure of appointment of K.N.
Padmanabhaiah is not acting.

Draft letter to the A.G. put up
for approval.

For perusal before issue.
(Law Secy)

14.6.50

14/6/50

14.6.50

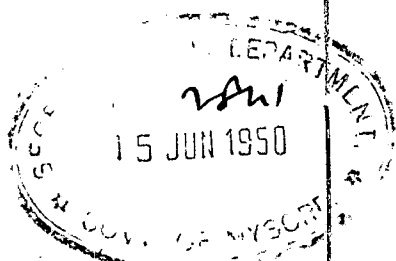
BSU

28/6/50

28/6/50

Issued No. 5085/4-50 - D) 29/8/50

To The A.G. Mysore Blue
Confirms that the appointment of Sri K.N.P.
is not acting.



Submitted to His Highness.

'D'

I submit herewith for the gracious perusal and approval of His Highness, the propos^xal of the High Court of Mysore in the matter of the appointment of gri K.N. Padmanabhiah, B.A., LL.B., subordinate Judge (on leave) as the Third Additional district and sessions Judge to the district and sessions court, Bangalore division.

'E'

As the posting had to be made immediately to enable the court to sit during the vacation of 1950, which has already begun, order^xs were issued on 18th April, 1950, directing the appointment of gri K.N. Padmanabhiah, B.A., LL.B., as the Third Additional district and sessions Judge to the district and sessions court, Bangalore division. I solicit the gracious approval of His Highness to the action taken in the matter.

K. Chengalaraya Reddy

CHIEF MINISTER.

Camp: Mysore,
30th April, 1950.

No. 60/50-51.

Record of Cases submitted for the Orders of
His Highness the Maharaja.

Subject.

Appointment of Sri K.N. Padmanabiah
Sub Judge, as additional District
Judge, Bangalore.



59

Order.

K.N.

3/5/50.

Chief Secy)

K.C.

3/5/50

Law Secy)
C.B.

165

4-5-50.

amr

11/5/50.

1884

5751.

R. O. C. No. 355/49-50
D. Dis.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore.....1st April.....1940.

3

FROM

SRI J. RUDRAPPA, M.A., LL.B.,

Registrar, High Court of Mysore.

To

Sri B.S. Puttaswamy, B.A., B.L.,

Legal Remembrancer and Secretary to Government,
Law Department, BANGALORE.

SIR,

Adverting to Government Proceedings Order No.5-6/cts.140-49-4,

dated 1st April 1950, sanctioning the appointment of a third Additional District and Sessions Judge to the District and Sessions Court, Bangalore Division, as a temporary measure for a period of three months together with the temporary staff attached thereto, I am directed to recommend that Sri K.N. Padmanabhiah, Subordinate Judge (on leave) may be appointed as Temporary District and Sessions Judge and posted to the said post.

I am to request therefore that necessary orders of His Highness the Maharaja may kindly be obtained and communicated to this office at a very early date.

Yours faithfully,

J. Rudrappa
REGISTRAR.

SUBJECT.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No.

To

General and Revenue Secretariat

()
the

19

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

D/84-52

780/CR 41-50-1

Notification

Mr. K. N. Padma-
nabhaiah, ^{DA, S.S.A.} Subordinate
Judge (on leave) is
appointed as Temp. St. & Sessions Judge
~~promoted to act as district~~
~~judge~~ and posted as Third
Additional District and
Sessions Judge ^{to the St. and Sessions}
Court, Bangalore ^{Division.}
By order of His
Highness the
Maharaja

1880

sum R Secretary at
7/4/50. Law Dept -

To the compiler, Mysore Gazette
for publication

781/CR

Copy of the above is forwarded
with compliments to the
compiler at Accountant
General, Mysore, Bangalore

with the intimation that ~~the~~ posting of Sri
K. N. Padmanathiah is against
the post sanction of a
third additional & +
senior judge. sanctioned
in go No 5-6/ct 140-49-4
of 1-4-50.

782/01
8/4/50 done sent Govt
copy to the Dyis Brar office
cl.
" Law Br

LS
7.4.50.

GOVERNMENT OF MYSORE

No.

811/CB
she.1

General and Revenue Secretariat,
Bangalore, Dated, ~~25th March 1950~~

18th April. 1950.

From

The ~~Chief~~ Secretary to the Government of Mysore,
BANGALORE.
Law Department.

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I am directed to forward herewith, for information, a copy of

Government ~~Order~~/Notification No 720/C.B.41-50-1..... dated 18th April. 1950....

regarding: Appointing Sri.K.N.Padmanabiah, B.A., LL.B., Subordinate Judge
(on leave) as temporary District and Sessions Judge and posted as Third
Additional District and Sessions Judge to the District and Sessions Court
Bangalore Division.

Yours faithfully,

slc. 26.04.50
18/4/50
Chief Secretary to Government.
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

N~~O~~780/C.B.41-50-1

General and Revenue Secretariat,

Dated Bangalore 18th April 1950.

NOTIFICATION.

Sri.K.N.Padmanabhiah, B.A., LL.B., Subordinate Judge
(on leave) is appointed as temporary District and Sessions Judge
and posted as Third Additional District and Sessions Judge to the
District and Sessions Court, Bangalore Division.

By Order of His Highness the Maharaja.

Sd.B.S.Puttaswamy,
Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette,
for publication.

Memo No. 781

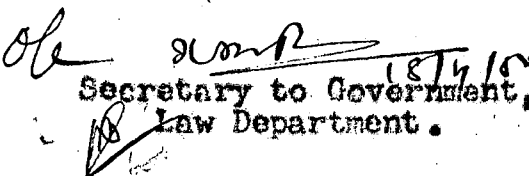
Dated, 18th April 1950.

1.

Accounts General, Mysore, Bangalore with the intimation to the
posting of Sri.K.N.Padmanabhiah is against the post of a third
additional District and Sessions Judge sanctioned in G.O.No.5-6/Ct.
140-49-4 dated 1st April 1950.

No.782, dated 18-4-1950

2) Copy to Registrar, High Court of Mysore.


Secretary to Government,
Law Department.

Copy to Law Branch.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 780/C.B.41-50-1

General and Revenue Secretariat,

Dated Bangalore. 18th April 1950.

NOTIFICATION.

Sri.K.N.Padmanabiah, B.A., LL.B., Subordinate Judge (on leave) is appointed as temporary District and Sessions Judge and posted as Third Additional District and Sessions Judge to the District and Sessions Court, Bangalore Division.

By Order of His Highness the Maharaja.

Sd.B.S.Puttaswamy,
Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette,
for publication.

Memo No.781

Dated, 18th April 1950.

1. Copy of the above is forwarded with compliments to the Account-General, Mysore, Bangalore, with the intimation that the posting of Sri.K.N.Padmanabiah is against the post of a third additional District and Sessions Judge sanctioned in G.O.No.5-6/Cts. 140-49-4 dated 1st April 1950.

No.782, dated 18-4-1950

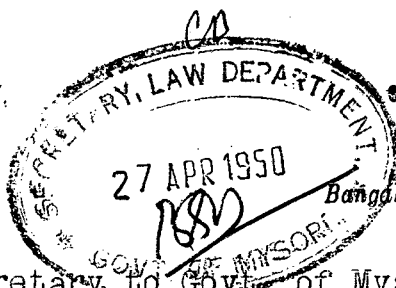
2) Copy to Registrar, High Court of Mysore.

Sd. - Ramakrishna
Secretary to Government,
Law Department.

Copy to Law Branch.

Ships 48/CB

Telephone No. 2425.



OFFICE OF THE ACCOUNTANT-GENERAL,
MYSORE,

No. 46/GAD.

Bangalore, dated 25-4-1950.

The Secretary to Govt. of Mysore,
Law Department,
Bangalore.

Sir,

Adverting to Government Notification No. 780 C.B. 41-50-1 dated 18-4-50 appointing Sri K.N.Padmanabiah, B.A., LL.B., as Temporary District & Sessions Judge against the post of a third Additional District and Sessions Judge sanctioned in Govt. Order No. 5-6/Cts. 140-49-4 dated 1-4-50, I have the honour to state that the tenure of his appointment as District & Sessions Judge may perhaps have to be treated as 'Acting' since the tenure of appointment of his seniors in the cadre of District Judges is only Acting, I request you to kindly clarify the point.

Yours faithfully,

M. Venkatarao

For Accountant General.

Kmn.

Submitted

HK

one main file input up with D.S.W. on 28/4/50. D.No. 38. This will be worked up with return

MD
28/4

L
28.4.50

yes
MD
28/4/50

SUBJECT.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. 2887/CB

15.5.50

To

The Rep.

The H. C. Mysore,
Bangalore

General and Revenue Secretariat

()

the 19

Sir

Subject—Appointing Sri K. N. Padma-
nabha as Kt & Session Judge

Date of issue.....

Signed by.....

Consequent on the appointment
of Sri K. N. Padmanabha as the
~~Temporary~~ Kt and Session Judge
in No. 780 CB. 41-50-1 of 18-4-50
the A. G. seeks clarification whether
the tenure of ^{this} appointment has
to be treated as 'Acting', since the
tenure of the appointment of his
Sessions in the same cadre is also
Acting. ~~Therefore~~ I am ^{therefore} directed
to request you to ~~submit~~ ^{forward} the opinion
of the H. C. in the matter.

Enclosure (not in)

List of enclosures.....

Copied by.....

Examined by.....

Yours faithfully

Sd/-
12/5/50
J. S. Srinivas

2087/CO

May 1950.

XXXX

Education Department.

The Registrar,
High Court of Mysore, Bangalore.

Sir,

Subject:- Appointing Sri K.N. Padmanabhiah
as District and Sessions Judge.

Consequent on the appointment of Sri K.N. Padmanabhiah as the Temporary District and Sessions Judge in Notification No. 780/C.B. 41-50-1 dated 18th April 1950, the Accountant General seeks clarification whether the tenure of his appointment has to be treated as 'Acting', since the tenure of appointment of his seniors in the same cadre is only Acting. I am therefore directed to request you to favour Government with the opinion of the High Court in the matter.

Yours faithfully,

af *svmr* 15/5/50.
For Secretary to Government,
Law Department.

1294/CB
Su. Hps

R O. C. No. 355/49-50
~~Dis~~



HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 12th June 19 50.

FROM

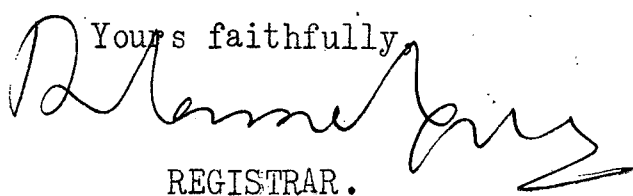
The Registrar, High Court of Mysore.

To

The Secretary
to the Government of Mysore,
Education Department, Bangalore.

SIR,

Adverting to your letter No.2087/C.B. dated 15-5-1950,
seeking clarification regarding the tenure of the appointment
of Sri K.N. Padmanabhiah, as District and Sessions Judge, I
am directed to state that the tenure of the appointment of the
said officer is only acting.

Yours faithfully

REGISTRAR.
L.

Recd 14/6

ANR.

SUBJECT.....
.....
.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

General and Revenue Secretariat
()
the 194 .

No.

To

The A. G. Hyare Bler ,

Sir.

Date of issue.....

Signed by.....

In reply to your letter
No. 46/8.A.D. D. 25/4/50. I am
directed to ^{confirm} ~~state~~ that the tenure
of appointment of Mr K. N. Padma
Nabhan, as DT and Senior
Judge in a/c acting.

y. J.

BBY
sent

14/6/50.
J. Law Secy to Govt

List of enclosures.....

HHO
14/6/50.

Copied by.....

L
14.6.50.

Examined by.....

GOVERNMENT ~~OF HIS HIGHNESS THE MAHARAJA~~ OF MYSORE.

No. 5085/c₃.

General and Revenue Secretariat,

Dated Bangalore,.....25.....6.....1950

FROM

The Secretary to the Government of

~~XXXXXXXXXXXXXXXXXXXX~~
~~His Highness the Maharaja of Mysore.~~
Law Department.

To

The Accountant-General,
Mysore, Bangalore.

Sir,

In reply to your letter No.46/GAD. dated 25th April 1950, I am directed to confirm that the tenure of appointment of Sri.K.N.Padmanabiah, as District and Sessions Judge is only acting.

Yours faithfully,

 
Secretary to Government,
Law Department.



LC/2

GENERAL AND REVENUE
SECRETARIAT

(Continuation sheet draft form).

D. S. N.

I (here with) submit for

the favour perusal and approval
of H. H., the proposal of the
High Court of Mysore in the
matter of the appointment of
Sir K. N. Padmanabhaiah B.A., LL.B.,
Subordinate Judge (a leave) as
the Third Additional District
and Sessions Judge to the District
and Sessions Court, Bangalore
Division.

As the posting had to be
made immediately to enable
the Court to sit during the
vacation of 1950, which has
already begun, orders were
issued on 18/11/50 directing the
appointment of Sir K. N.
Padmanabhaiah B.A., LL.B., as
the Third Additional District
and Sessions Judge to the
District and Sessions Court

Bangalore Division. I want
the gracious approval of H.H.
to the action taken in the
matter

~~11/11~~
29/4
20/4/50 Chief Minister.
18/1
24/4
S
20.4.50.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

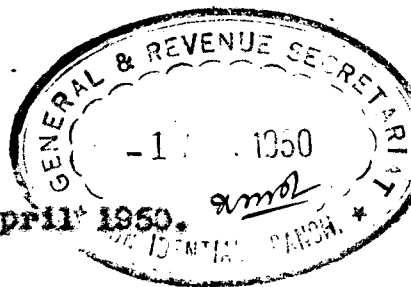
Read:-

Correspondence ending with letter No.R.O.C.355/49-50 dated 11th January 1950 from the Registrar, High Court of Mysore, requesting sanction for the appointment of a third Additional District and Sessions Judge to the District and Sessions Court, Bangalore Division, as a temporary measure, for a period of three months and for the appointment of a temporary staff as detailed in the margin for a period of three months.

1. One I Division Clerk in grade Rs.65-5-90/E.B.G-150
2. One II Division stenographer in grade Rs.45-3-60-4-100
3. One Peon in grade Rs.22-1-27
4. Two Peons in grade Rs.18-1-22

ORDER NO. 5-6/CHS 140-49-4

Dated, Bangalore, the 1st April 1950.



The recommendation of the High Court is sanctioned.

2. The third Additional District and Sessions Judge, Bangalore Division will work during the vacation of 1950 also.

3. Orders will issue separately regarding the source from which the extra cost involved on the above account will be met during the year 1950-51.

for Secretary to Government
Law Department.

To

The Registrar, High Court of Mysore
The Comptroller to Government through Financial Dept.

COPY TO C.B